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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO	
10/690,304	10/21/2003	James P. Kuntz	46982.0002	6888	
7590 05/13/2004		004	EXAM	EXAMINER	
L. Grant Foster			DOUGLAS	DOUGLAS, STEVEN O	
HOLLAND &	HART LLP			-	
P.O. Box 8749		ART UNIT	PAPER NUMBER		
Denver, CO	30201	3751			

DATE MAILED: 05/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
	10/690,304	KUNTZ, JAMES P.
Office Action Summary	Examiner	Art Unit
	Steven O. Douglas	3751
The MAILING DATE of this communication ap Period for Reply	pears on the cover sheet with the c	correspondence address
A SHORTENED STATUTORY PERIOD FOR REPL THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1. after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a replication of the period for reply is specified above, the maximum statutory period. - Failure to reply within the set or extended period for reply will, by statuted the period for reply will, by statuted the period for reply will, so the period for reply will be period for r	136(a). In no event, however, may a reply be tired by within the statutory minimum of thirty (30) day will apply and will expire SIX (6) MONTHS from the cause the application to become ABANDONE	nely filed /s will be considered timely. In the mailing date of this communication. ID (35 U.S.C. § 133).
Status		
1)⊠ Responsive to communication(s) filed on 21 (October 2003.	
2a) ☐ This action is FINAL . 2b) ☐ Thi	s action is non-final.	
3) Since this application is in condition for allows closed in accordance with the practice under		
Disposition of Claims		
4)	awn from consideration.	
Application Papers		
9) The specification is objected to by the Examin		
10) The drawing(s) filed on is/are: a) ac		
Applicant may not request that any objection to the		
Replacement drawing sheet(s) including the correct 11) The oath or declaration is objected to by the E		
Priority under 35 U.S.C. § 119		
12) Acknowledgment is made of a claim for foreig a) All b) Some * c) None of: 1. Certified copies of the priority documer 2. Certified copies of the priority documer 3. Copies of the certified copies of the priority application from the International Bures * See the attached detailed Office action for a list	nts have been received. Its have been received in Applicat Ority documents have been receiv au (PCT Rule 17.2(a)).	ion No ed in this National Stage
Attachment(s)	🗖	(DTO 440)
Notice of References Cited (PTO-892) Notice of Draftsperson's Patent Drawing Review (PTO-948)	4)	
Paper No(s)/Mail Date	5. Thui, 11	Patent Application (PTO-152)

Application/Control Number: 10/690,304

Art Unit: 3751

Restriction to one of the following inventions is required under 35 U.S.C. 121:

Claims 1-35 and 43-47, drawn to an aircraft defueling fitting, classified in class
 141, subclass 65.

II. Claims 36-42, drawn to a method for removing fuel from an aircraft, classified in class 141, subclass 7.

The inventions are distinct, each from the other because of the following reasons:

Inventions II. and I. are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In this case, the apparatus as claimed can be used to practice another and materially different process such as a defueling method not requiring the depression the fuel or poppet valve of the aircraft.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven O. Douglas whose telephone number is 703-308-0891. The examiner can normally be reached on Wed-Fri 6:30-7:00.

Art Unit: 3751

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Huson can be reached on 703-308-2580. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (told-free).

Steven O. Douglas Primary Examiner Art Unit 3751 Page 3

SD 5-12-04